

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, NOVEMBER 9, 2015, AT 6:30 P.M., ON
THE 4th FLOOR, CAFETERIA, GOVERNMENT
CENTER BLDG, 888 WASHINGTON BLVD.,
STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), Rosanne McManus, William Morris and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:05 pm. Ms. Gwozdzowski was seated for Mr. Stein.

REGULAR MEETING (to begin at 6:30pm)

PENDING APPLICATIONS:

1. Application 215-29 – WESTSIDE DEVELOPMENT PARTNERS, LLC, Text Change
2. Application 215-30 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street (Lot B-2), Application for Special Exception and Site Plans/Requested Uses

Mr. Mills read a description of the applications into the record.

Mr. Killeen said copies of the draft conditions were distributed via email and regular mail to the Board. Condition #11 would allow normal security lighting....the applicant has asked the Board if they would add the wording “aside from security lighting”.

Chairman Mills asked the Board to go through the draft conditions from the beginning.

Mr. Michelson questioned the finding regarding stormwater..... he said it should say “based on the report of the Engineering Bureau”.

There was discussion of the draft conditions regarding the Sound Barrier (Condition #4); the Truck Routing Plan (Condition # 9); drainage basins (Condition # 12); traffic improvements and the timing of those improvements (Condition # 13); and the applicant’s proposed contribution of \$500,000 to those traffic improvements (Condition # 14).

The Board reviewed the draft conditions. Mr. Killeen summarized the text amendment.

After further discussion, Mr. Morris made a motion to approve application 215-29 with the changes discussed, per Exhibit #9, seconded by Mr. Michelson and the motion passed 5:0 (Mills, Michelson, McManus, Morris and Gwozdzowski in favor). The text change will read as follows:

To Amend Article I, Section 3-A, Definition 45.2 (Home Center) to now read as follows:

45.2 Home Center: A retail facility having in excess of 80,000 square feet and not more than 130,000 square feet of floor area which offers for sale a wide variety of products used in the construction, maintenance, repair, improvement, enjoyment or use of land, homes, offices and other types of real property and appurtenant facilities. The interior

sales floor area of such facility shall be primarily utilized for the sale of building materials and supplies, including, lumber, millwork, flooring, roofing, foundation, hardware, electrical, plumbing, heating and ventilation materials and supplies. Other merchandise offered for sale may include, but is not limited to, garden and landscape supplies and equipment, tools, floor and wall coverings, home fashion and decorating accessories, house wares and home furnishings, paint supplies, appliances, wild and domestic pet supplies, limited snack foods and beverages and work-related apparel and accessories. In addition to floor area, outdoor space, not to exceed 30,000 square feet, may be used as a garden center. Products and merchandise may also be displayed and sold from interior private sidewalks and in designated areas of the parking lot provided these areas are clearly delineated on a site plan approved by the Zoning Board. A minimum lot size of fifteen (15) acres shall be required for this Home Center Use.

To Amend Appendix A, Table II as follows:

To add a new line #118.1 to permit a “Home Center” use in the M-L zoning district following Special Exception approval of the Zoning Board.

After further discussion, Mr. Morris made a motion to approve application 215-30 with the changes to the conditions as discussed, seconded by Ms. Gwozdzowski and the motion passed 5:0 (Mills, Michelson, McManus, Morris and Gwozdzowski in favor). The conditions read as follows:

WHEREAS, *the Zoning Board has reviewed an application for approval of Special Exception and Site Plan/Requested Uses requesting approval of a 115,420± square foot Home Center with an attached 28,118± square foot garden center and 7,605± square foot retail/industrial/flex building as well as associated landscape, parking and site improvements;*

WHEREAS, *the Zoning Board conducted a duly called public hearing on October 5, 2015, continued to October 19, 2015 and has considered the submitted comments of other interested City agencies, officials and the general public; and*

WHEREAS, *the approved Site & Architectural Plans and Requested Uses and Special Exception applications are more particularly described in a set of architectural plans titled: “4C115K-2015 28K Garden Center” (floor plan) dated April 6, 2015, revised July 31, 2015 and “Elevations” dated May 27, 2015, revised August 5, 2015; landscaping plans titled: “Overall Landscape Plan, LL-1”, “Landscape Plan, LL-2”, “Landscape Plan, LL-3”, “Lighting Plan, LP-1”, “Lighting Plan, LP-2”, prepared by BL Companies and dated August 6, 2015; civil engineering and surveying plans titled: “Zoning Location Survey”, “Property and Topographic Survey Sheet 1 of 2” (dated 4/25/14), “Property and Topographic Survey Sheet 2 of 2” (dated 4/16/14), “Overall Site Plan, C1”, “Site Grading Plan (north), C2-N”, “Site Grading Plan (south), C2-S”, “Site Utility Plan (north), C3-N”, “Site Utility Plan (south), C3-S”, “Sediment & Erosion Control Plan (north), C4-N”, “Sediment & Erosion Control Plan (south), C4-S”, “Notes & Details, C5”, “Details, C6”, “Details, C7”, “Intersection Plan & Section, C8” and “DOT Details, C9” prepared by Redniss & Mead, dated August 10, 2015 unless otherwise noted and such related materials, reports and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearing on*

October 5, 2015 and October 19, 2015 and conditions contained herein. Together all of these documents are referred to hereinafter as the Building and Site Plans.

WHEREAS, *the Zoning Board makes the following special findings:*

- *The application is consistent with the purposes, standards and goals of the Master Plan and M-L zoning district;*
- *The overall site improvements conform with the Special Exception requirements, standards and conditions of Section 19.3, Site Plan Review requirements of Section 7.2, and all other requirements of the City's Zoning Regulations;*
- *The signage depicted on an exhibit, prepared by I.D. Associates dated August 11, 2015 complies with the criteria outlined in Sections 13-I-6 and 19.3 of the Zoning Regulations;*
- *The "Home Center" use is a permitted special exception use in the M-L zoning district and the Zoning Board has determined that the proposed use, structure and related improvements are in accord with the public convenience and welfare;*
- *The proposed site is an appropriate location for a Home Center and operations will not be injurious to the neighborhood or impair future development;*
- *The applicant has dedicated a considerable amount of land as conservation area along the perimeter of the site which will provide desirable screening for the adjacent properties;*
- *The proposed stormwater management system and sediment and erosion control measures provided in the application materials are appropriate and the proposed improvements will not result in any adverse drainage impact on adjacent properties, as reviewed by the City Engineer;*
- *The proposed off-street parking and loading areas will adequately meet the needs of the proposed uses;*
- *The approved realignment of the entry driveway with the Harvard Avenue and West Main Street is desirable and will improve traffic and safety operations onsite and in the surrounding neighborhood; and*
- *The West Main Street and West Avenue intersection improvements shown on a sketch titled "Roadway Widening Plan West Main Street and West Avenue Intersection Improvements" prepared by Milone & MacBroom and dated December 8, 2011 (the "West Main/West Avenue Improvement Work") are desirable and the applicant has agreed to provide a substantial contribution to help facilitate said improvements as expeditiously as possible.*

NOW THEREFORE BE IT RESOLVED *that the Zoning Board unanimously approved as modified Application #215-30, subject to the following conditions:*

SITE-SPECIFIC CONDITIONS:

- 1) The 115,420 ± square foot building and 28,118 ± square foot garden center are approved for use as a "Home Center." All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.*
- 2) Development of the separate 7,605± square foot retail/flex/industrial building is approved in concept only. Construction of this building shall be subject to the administrative approval of the Zoning Board for the location, use and final architectural design of the building.*
- 3) The signage depicted on Exhibit # 8, prepared by I.D. Associates dated August 11, 2015, is approved subject to issuance of a signage permit in accordance with the standards and procedures of Section 13 of the Zoning Regulations.*
- 4) The sound barrier wall shall be built prior to the issuance of a certificate of occupancy for the Home Center building. Modifications to accommodate any alternate sound barrier shall be subject to Zoning Board staff approval and shall be accompanied with written comments from the owners of 58 Progress Drive. In no event shall the noise emitted from the Applicant's property exceed the maximum decibel levels outlined in the Stamford Noise Ordinance.*
- 5) Prior to issuance of a Building Permit, the Applicant shall submit a revised Landscaping Plan reflecting a mixture of tree types (including hardwood and evergreen) instead of the row of white pines proposed, subject to the approval of the Zoning Board staff.*
- 6) Prior to issuance of a Building Permit, the Applicant shall submit a "Noise Mitigation Plan" for review and approval by Zoning Board staff.*
- 7) Final details of the landscaping on the east side of Lot B-2 shall be determined by the Zoning Board staff after consultation with the Applicant and neighbors. Said landscaping shall consist of a combination of fencing, new plantings, and existing vegetation, and shall be implemented prior to the issuance of a Building Permit to the extent practical given construction sequencing.*
- 8) The portion of new wall located on the southeastern corner of Lot B-2 shall be constructed with a treatment to reasonably match the existing stone wall at the entrance to the Property.*
- 9) Prior to issuance of a Certificate of Occupancy, the Applicant shall provide a "Truck Routing Plan" for neighboring streets, prepared in consultation with the City of Stamford Traffic Engineer.*
- 10) No vehicular access will be allowed to Acosta Street.*
- 11) The applicant shall submit final specifications for exterior lighting to minimize trespass lighting on adjoining residential properties subject to approval of Zoning*

Board Staff prior to issuance of a Building Permit. Lighting of the exterior of the building and parking lots will be limited to no earlier than one hour before opening of the store and no later than one hour after the closing of the store, aside from necessary security lighting.

- 12) Catch basins located in the northwest corner of the property shall be restored, cleaned and thereafter maintained on a regular basis, pursuant to the Drainage Maintenance Agreement.*
- 13) Prior to issuance of a Building Permit, the Applicant and/or City and/or State shall submit a plan outlining how the West Main Street and West Avenue intersection will be funded and constructed to ensure that it will be open and operational at approximately the same time as the opening of the Home Center. Said plan shall include sources and uses of funds, budgets, permits required, and an anticipated timeline. Such plan shall be subject to approval by the Zoning Board administratively, and no Building Permit shall be issued until such plan has been approved by the Zoning Board. In the event construction of the West Main/West Avenue Intersection Work is not substantially completed by the time of the opening of the Home Center, the Zoning Board may administratively impose reasonable conditions on the opening of same to protect the safety of the neighborhood such as:
 - A. If necessary at the site, a requirement that police officers manage traffic circulation during construction of the intersection;*
 - B. Imposition of traffic movement restrictions requiring vehicles to take an alternate route during construction of the intersection;*
 - C. Temporary closure of a portion of the Home Store (e.g. the Garden Center) during construction of the intersection.**
- 14) Within ten (10) days of the expiration of the appeal period provided for in section 8-8 of the Connecticut General Statutes, with no appeal being taken or, if an appeal is taken, after the final resolution of same to the satisfaction of the Applicant (but in no event later than the issuance of a Building Permit), and upon the City giving reasonable assurance to the Applicant that it will move forward with the intersection work in an expeditious manner, the Applicant shall convey road widening rights within its control to the City of Stamford at the northwest and southeast corners of the West Main Street and West Avenue intersection to help facilitate the West Main/West Avenue Intersection Work.*
- 15) In addition to the above, prior to issuance of a Building Permit, the Applicant shall contribute \$500,000 toward the West Main/West Avenue Improvement Work. Said funds shall be used exclusively for the purposes stated above and upon receipt of the funds by the City of Stamford, shall be placed in a capital non-recurring account designated for such purpose.*
- 16) To improve traffic safety and operations at the Harvard Avenue and West Main Street intersection, the Applicant shall construct a new driveway to be realigned with the intersection in accordance with the submitted plans and replace the existing traffic signal controller and associated equipment, all at the Applicant's*

expense, subject to approval of final specifications by the City Traffic Engineer, with all work to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS:

- 17) *Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicant shall address comments of Susan Kiskien, P.E. in her memorandum dated September 1, 2015.*
- 18) *Prior to issuance of a Building Permit, the Applicant shall obtain a discharge permit from the Stamford Water Pollution Control Authority and shall provide information requested in the September 1, 2015 memorandum from Prakash Chakravarti, P.E., Supervising Engineer, and Stephen W. Pietrzyk, Regulatory Compliance Officer.*
- 19) *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and streetscape plans, including specifications for exterior architectural designs, materials, samples and colors, and the detailed plans for the proposed retaining wall at the rear of the property, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application.*
- 20) *No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
- 21) *A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 22) *Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite. If deemed necessary in the reasonable exercise of judgment of the City Engineer or Chief of Police, the applicant or successor shall fund the cost of a police officer to direct traffic at the entrance of the site until such time as the level of construction activity at the site no longer warrants this measure, in the judgment of such City Officials.*
- 23) *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board*

staff. Applicant shall continue to be required to comply with the terms and conditions of Environmental Protection Board Permit No. 1413 (dated 7/28/14).

- 24) Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 25) Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to the review of the Zoning Board staff.*
- 26) Prior to the start of any construction activities or the issuance of a Building Permit, whichever comes first, Applicant shall submit a Performance Bond, or other acceptable surety, to ensure completion of landscaping improvements and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*
- 27) Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained and construction debris shall be kept to a reasonable minimum.*
- 28) Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

Mr. Michelson made a motion to change the order of the agenda, seconded by Ms. McManus and the motion passed 5:0 (Mills, Michelson, McManus, Morris and Gwozdzowski in favor).

Mr. Mills took a brief 15 minute recess.

PUBLIC HEARING

1. **Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change**, to Amend Article III, Section 9(J)(5)(b) of the SRD-S District to increase permitted non-residential floor area ratio (FAR) from 0.20 to 0.23.
2. **Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP**, requesting approval to amend the General Development Plan (GDP) for Harbor Point, originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note to read “Block P7 Permitted Uses: Office and Retail, Public Access, Marina, Parking” and 2) deleting the language of approval Condition #7 and replacing it with “Subject to SRD regulations, any future final site plan application, for full development of the 14 acre site, shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board.” in the SRD-S district, and to seek Coastal Site Plan Review of these amendments.

3. **Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change**, to Amend Article III, Section 9AAAA DWD Designed Waterfront Development District standards regarding maximum building height, minimum front setback, retention of existing structures and exemption of Water Dependent Uses from the calculation of building coverage, ground coverage, public access, preservation of visual resources and landscaping.
4. **Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change**, requesting approval to amend the Zoning Map to change from CWD to DWD for approximately 8.15 acres of property known as Stamford Landing and identified as 46, 62, 68 and 78 Southfield Avenue, Block #25.
5. **Appl. 215-06 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Special Exception, General Development Plans and Coastal Site Plan Review**, requesting approval of special exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.
6. **Appl. 215-07 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review**, requesting approval of Final Site & Architectural Plans, Special Exception and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.
7. **CSPR-978 – WATERFRONT MAGEE, LLC, 205 Magee Avenue**, to provide winter boat storage on 3.5 acres in M-G zone, temporary parking, no utilities and no equipment storage.

Mr. Mills read the description of the applications into the record and noted that the Public Hearing was a continuation from October 27, 2015. He asked if anyone from the public wanted to comment.

Mr. Bob Bayer of Greenwich, said he was opposed to the applications and made a power-point presentation to show why he believes the boatyard is inconsistent with the City's Zoning Regulations.

Randy Dinter stated his qualifications in the marine industry and discussed the potential income from the Davenport Yard. He said safety issues preclude public access; the building is too small.

Charles Winer, 25 Forest Street, spoke in opposition to the project, citing safety concerns and lack of compliance with the City's Master Plan and Zoning Regulations.

Captain Henry Marx, 151 Harvard, read a submitted letter. He said siltation is filling in the channel.

Erik Knott, 65 Ogden Road, Stamford Harbor Master discussed risks associated with the proposal. The Channel at Davenport is where barges will maneuver to tie-up; larger barges being 30' used that are 30 feet wider; slips are close to the barge area; boats waiting for fuel will be in the way of barges; barge collision with fuel dock is possible. Barges will push ice into the boats. The harbor handles 200-300 barges per year.

Mr. Mills asked who controls the barge sizes? Mr. Knott said the State/Town has no authority to limit them.

Eneas Frye, One Shore Road, spoke in support of BLT for economic reasons. He stated he is on the Board of the Stamford Hispanic Chamber of Commerce.

Tom O'Connell spoke in support. He stated that Hinckley will operate a good yard.

Mr. Mills took a 10 minute recess and resumed the hearing at 9:37pm.

Richard Rocker on behalf of David Watkins, District 1 Board of Rep, read a letter regarding trailering boats through downtown. He played a BLT video showing risk to bicyclists, the boat hitting low tree branches, and narrowly missed vehicles en route.

Paula Daniels spoke in support of this application and said she has spoken in favor before.

Leigh Schemitz, 135 Hannahs Road, explained how important tis project could be in promoting public access in Stamford. She said she will send written comments.

Tonia McGregor, 137 Spruce Street spoke in support, noting that it will support economic growth and job creation.

Russel Davis, 127 Guinea Road spoke in support. Discussed public access. 400 units of affordable housing will benefit Waterside area. He encouraged those against the project to be open to change.

Capt. Frank Fumega, submitted a letter in support read by Attorney Amy Souchuns.

Matt Christy, on behalf of the World of Beer, submitted a letter in support of this project, read by Attorney Amy Souchuns.

Joseph Fuller , submitted a letter in support of this project, read by Attorney Amy Souchuns.

Richard Warren, representing O&G, voiced support of applications 215-06 and 215-07 and read a letter into the record. Mr. Mills asked if O&G could control barges? Mr. Warren said no, it's controlled by the tug company. He reported that they had asked the barge operators if they would have a problem with the proposed boatyard, and no concerns were expressed.

Vicky Papson, 63 Revonah Circle, submitted a letter in support of these proposals, read by Attorney Amy Souchuns.

Anthony Pollizzi, Sign of the Whale, spoke in support of the proposal, stating that this area was becoming a destination, and the project would generate more foot traffic.

Richard Thomas, submitted a letter in support read by Attorney Amy Souchuns. He lives in Waterside and believes this project will energize the waterfront.

Al Sgritta, 103 Midland Avenue, spoke in opposition. Apartments will impact schools. In his mind, this application is more of a residential development than it is a waterfront development.

Maureen Boylan, 61 Seaview Avenue, summarized zoning history to protect the boatyard; economic value of the boatyard; disagreed with the MarineTec Report. She opposes the project and submitted written testimony.

Ernest Lang, 33 Vincent Avenue, said transferred development rights paid for remediation and loss of income from more valuable uses. He's opposed to the project.

Kevin Segalla, submitted a letter in support read by Attorney Amy Souchuns.

Peter Lyons from North Stamford, said 3-acres is inadequate; David Martin ran on the need to rebuild the boatyard.

Due to the lateness of the hour, Mr. Mills continued the Public Hearing to the next meeting scheduled for Monday, November 16, 2015 at 7:00pm on the 4th floor cafeteria at 888 Washington Blvd.

Ms. McManus moved to adjourn the meeting at 11:03pm, seconded by Ms. Gwozdzowski and the motion passed 5:0 (Mills, Michelson, McManus, Morris and Gwozdzowski in favor).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board